

AMENDED

No 56227

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office. APR 24 1991

Returned to applicant for correction. JUN 17 1991

Corrected application filed. JUN 24 1991

Map filed. JUN 24 1991

The applicant Burns Brothers, Inc.

621 Southeast Union Ave., of Portland,
Street and No. or P.O. Box No. City or Town

Oregon 97214, hereby make^s application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a

copartnership or association, give names of members.) An Oregon corporation; Articles of
Incorporation filed with the Oregon Secretary of State October 18, 1946. Said
articles also filed with the Nevada Secretary of State on April 1, 1981.

1. The source of the proposed appropriation is underground
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is .046 c.f.s. second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for commercial purposes
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated

(b) Stockwater, state number and kinds of animals to be watered

(c) Other use (describe fully under No. 12. "Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section
Describe as being within a 40-acre subdivision of public

33, T.33N., R.35E., M.D.B.&M. or at a point from which the West $\frac{1}{2}$ corner of
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

said Section 33 bears S. 43° 38' W. 2360.0'.

6. Place of use portions of the West $\frac{1}{2}$ of Section 33, T.33N., R.35E., M.D.B.&M.,
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

specifically: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T.33N., R.35E., MDB&M, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33,

T.33N., R.35E., MDB&M, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T.33N., R.35E., MDB&M, SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 33, T.33N., R.35E., MDB&M, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T.33N., R.35E., MDB&M

7. Use will begin about January 1st and end about December 31st, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) drill well, install submersible pump,
State manner in which water is to be diverted, i.e. diversion structure, ditches and

storage tank and distribution system
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works.....\$50,000.00
10. Estimated time required to construct works.....3 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use.....5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

This request is for supplementary water to serve a motel, restaurant, bar and casino complex with 50 motel units, 130 restaurant seats, 74 seats in the lounge, and 11 trucker showers. Annual consumptive use is estimated to be 10.95 million gallons.

Desert-Mountain, Inc. as agent
By Robert N. Caldwell, P.L.S., S.W.R.S.
s/ Robert N. Caldwell
146 West Second Street
Winnemucca, NV 89445

Compared.....am/ nsm.....am/se

Protested.....

APPROVAL.....OF STATE ENGINEER

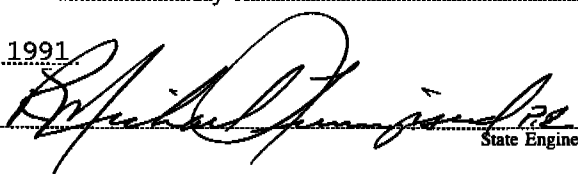
This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.
(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed.....0.046.....cubic feet per second, but not to exceed 8.96 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....December 16, 1993
Proof of completion of work shall be filed before.....January 16, 1994
Application of water to beneficial use shall be filed on or before.....December 16, 1996
Proof of the application of water to beneficial use shall be filed on or before.....January 16, 1997
Map in support of proof of beneficial use shall be filed on or before.....N/A

Completion of work filed.....
Proof of beneficial use filed.....
Cultural map filed.....
Certificate No.....Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this 16th.....day of.....December.....
A.D. 1991

State Engineer

Approved By 58505 cert 12/21/98

(PERMIT TERMS CONTINUED)

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

The total combined duty of water under Permits 44273, 44275, 50621 and 55227 shall not exceed 8.96 million gallons annually.

